

THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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John Fitzgerald Kennedy,

Plaintiff,

- against -

The Trustees of the Testamentary
Trust of the Last Will and Testament
of President John F. Kennedy,

Defendants.

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Case Number

1:08-cv-08889-WHP

ECF CASE

FIRST AMENDED COMPLAINT

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PRELIMINARY STATEMENT

- 1.) This is a diversity action which seeks enforcement of the fiduciary duties of the trustees of the last will and testament of John Fitzgerald Kennedy, 35th President of the United States of America.

JURISDICTION

- 2.) Jurisdiction is predicated upon 28 USC 1332 (a) (1), based upon the complete diversity of citizenship between the Plaintiff and the Defendants and the amount in Controversy.

VENUE

- 3.) Venue is proper in the Southern District of New York, predicated upon 28 USC 1391 (a) (2), based upon the fact that the acts and/or omissions which make up the substance of this lawsuit occurred within the Southern District of New York.

JURISDICTION AND PARTIES

- 4.) Defendant trustee, Martin L. Edelman, Esq. is a New York Domiciliary.
- 5.) Defendant trustee, Edwin Arthur Schlossberg, is a New York Domiciliary.
- 6.) Plaintiff, formally a domiciliary of New York changed his domicile to New Jersey on or around October 14, 2009 when he leased a two bedroom apartment at 105 A Metropolitan Ave., Atlantic City, New Jersey 08401 with the intention of making that residence his home. (See attachment marked exhibit A).

- 7.) The leased apartment will be automatically renewed by Landlord and Tenant for another one (1) year term in absence of notice to the contrary and landlord may only terminate Lease/tenancy for any lawful reason or good cause (see attachment A, ^{Sections} Paragraph 21 & 22).
- 8.) Plaintiff looked for housing because of a holdover case against him in his New York address.
- 9.) Plaintiff application was received by Metropolitan Plaza on or around September 23, 2008.
- 10.) Plaintiff application for aforementioned was thoroughly reviewed including but not limited to credit check and/or criminal background checks.
- 11.) Plaintiff changed his driver's license from New York to New Jersey once he acquired his first utility bill as is a requirement by the New Jersey Department.
- 12.) Plaintiff filed a joint return New Jersey resident income tax for the tax year of 2008 in May 2009 filed on March 9, 2009. (See attachment marked exhibit B).
- 13.) Plaintiff and his family were not able to vote in the most recent general election because the "cut off" date to register to vote in the 2008 November election was October 6, 2008 which needed an additional 30 day residence to qualify on top of five days for mailing regular mail.
- 14.) Plaintiff and his family served as New York City Poll Inspectors for many years including election year 2007.

- 15.) Plaintiff and his family did not work as Poll Inspectors for the New York City Board of Elections in 2008, nor did Plaintiff vote in New York.

FACTUAL ALLEGATIONS

- 16.) President Kennedy ("the testator") then Senator Kennedy, executed a last will and testament dated June 18, 1954 ("the will").
- 17.) In the will Testator bequeaths a certain trust payable to "each of my children".
- 18.) The Testator signed Executive Order which amended the Selective Service Regulations, *inter alia*, to determine eligibility for the draft and entitlement for benefits such as PX benefits (including death benefits), states, in relevant part: "(C.) (1) The term 'child' as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped." This made testator's definition the law of the land.
- 19.) Plaintiff is a child of President Kennedy. (See attachment marked C.)
- 20.) On or around August 7th 2008, Plaintiff duly demanded his inheritance from each Defendant.
- 21.) Defendants, and each of them, had a fiduciary duty as trustees to thoroughly investigate plaintiff's claim under the testamentary trust in the will of The testator.

- 22.) Defendant Edwin Arthur Schlossberg is a spouse of heretofore sole beneficiary Caroline Bouvier Kennedy Schlossberg. (heretofore "sole beneficiary").
- 23.) Plaintiff's claim will result in the heretofore sole beneficiary's inheritance being cut in half.
- 24.) Based upon the above the above, Defendant Schlossberg had a fiduciary duty to recuse himself from considering Plaintiff's claim and Defendant Edelman had a fiduciary duty to respond and investigate Plaintiff's claim to a legal and scientific conclusion and to inform plaintiff of such independent conclusions, with an opportunity to prove his allegations, but did not do so.
- 25.) The amount in controversy is over 75,000.00.


CONCLUSION

Wherefore, Plaintiff respectfully requests judgment as follows:

- a.) An order compelling Defendant Edelman to fully investigate Plaintiff's claim to a legal and scientific conclusion with and provide this report in a written conclusion presented to Plaintiff and this Court with the opportunity to dispute and/or agree with said findings and conclusions.
- b.) An order compelling Defendants, upon proof of Plaintiff's claim, to pay over to Plaintiff back, present and future trust Funds to Plaintiff; and,
- c.) Such other and further relief as may be just.

Dated: New York, New York
June 3, 2009

By:


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